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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## JASON J. PAYNE.

C 07-4712 JSW (PR)

Petitioner,

10

**JOE MCGRATH, Warden,**

**DECLARATION OF COUNSEL IN  
SUPPORT OF APPLICATION FOR  
ENLARGEMENT OF TIME**

## Respondent.

I, Catherine A. Rivlin, declare under penalty of perjury as follows:

20 I am the California Deputy Attorney General assigned to handle the above-encaptioned  
21 case. I have obtained the appellate file and requested any additional state record, and have organized  
22 the available materials for copying. I was the responsible deputy on the direct appeal and thus have  
23 familiarity with the case, issues, and facts. However the press of earlier assigned and emergency  
24 reassignment cases has prevented my devoting substantial attention to this case to date. As noted  
25 in my prior request, I had to take over three cases, all due immediately, from a colleague I supervise  
26 who went on a family medical leave and is now leaving the office. Thus, in the most recent 30 days,  
27 I have completed on his behalf, a writ opposition *In re Brown*, A12098, and two substantial briefs  
28 *People v. Winters*, A116052, and *People v. Brockman*, A115903. I am making substantial progress

1 on two earlier-assigned cases of my own (*Joseph v. Curry*, 07-15224, and *People v. Parker*,  
2 A117498). I hope to have them completed in the next two weeks so that I can complete this  
3 assignment during May. I have not attempted to contact petitioner, who is representing himself in  
4 this proceeding, because he is incarcerated in state prison and cannot be conveniently reached.

5 I declare under penalty of perjury of the laws of the State of California and the United  
6 States of America that the foregoing is true and correct. Executed at San Francisco, California on  
7 April 28, 2008.

9 Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

DANE R. GILLETTE  
Chief Assistant Attorney General

GERALD A. ENGLER  
Senior Assistant Attorney General

PEGGY S. RUFFRA  
Supervising Deputy Attorney General

/s/ Catherine A. Rivlin

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CATHERINE A. RIVLIN  
Supervising Deputy Attorney General  
Attorneys for Respondent

payneeot2dec.wpd

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 28, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne  
SPN# V-26575  
Pelican Bay State Prison  
P.O. Box 7500  
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 28, 2008, at San Francisco, California.

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J. Espinosa

Declarant

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/s/ J. Espinosa

Signature